



Report to the Auburn City Council

Action Item
Agenda Item No. **8**

City Manager's Approval

To: Mayor and City Council Members
From: Reg Murray, Senior Planner
Date: July 22, 2013
Subject: Ordinance Amendment – Emergency Shelter Overlay Zone District and Transitional and Supportive Housing (File 301.3(bb))

The Issue

Should the City Council introduce for First Reading an Ordinance which establishes the Emergency Shelter (ES) overlay zone district, develops standards for permanent and temporary emergency shelters, and permits Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district.

Recommended Motion (Approval)

The Auburn Planning Commission recommends that the Auburn City Council take the following actions:

- A. By Motion, adopt a Statutory Exemption prepared for the Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- B. By Motion, adopt the following Findings of Fact for approval of an Ordinance establishing the Emergency Shelter (ES) overlay zone and permitting transitional and supportive housing in the R-3 zone:
 - 1. The Ordinance implements State law;
 - 2. The Ordinance is consistent with the Auburn General Plan Housing Element; and
 - 3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.
- C. By Motion, introduce and hold a First Reading, by title only, of the attached Ordinance (Exhibit A) establishing the Emergency Shelter (ES) overlay zone and permitting transitional and supportive housing in the R-3 zone.

Background

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

The Planning Commission considered a proposed ordinance on March 5, 2013 which identified the Industrial (M-2) zone district as the appropriate zone district to allow emergency shelters. The proposed ordinance was then forwarded to the City Council for consideration on April 8th and May 13, 2013. At the May 13th hearing, the City Council elected not to designate a zone district for emergency shelters, but instead, decided to use the zone overlay process to designate sites appropriate for emergency shelters. In addition, the Council selected two areas for additional consideration, including one area on Nevada Street, west of the Signature movie theater, and one area at the northern end of Wall Street. Council directed staff to move forward with the necessary code amendments for the overlay zone as well as the Rezone entitlements for the two identified areas.

As directed, staff developed the proposed ordinance for the Emergency Shelter (ES) overlay zone and presented it to the Planning Commission on July 2, 2013. The staff report for the Planning Commission hearing is provided as Attachment 1 and the minutes from the Commission meeting are provided as Attachment 2. Exhibit A is a copy of the proposed ordinance; the recommendations made by the Planning Commission at the July 2nd hearing are included in double-underline format and are discussed further below.

Proposed Ordinance

The proposed ordinance (Exhibit A) reflects the code amendments necessary to establish the Emergency Shelter (ES) overlay zone. It also carries-over the development standards previously reviewed by the City Council in April and May, 2013 and includes the Council revisions from the May 13th hearing. The code amendments, including the Council changes, are detailed in the Planning Commission staff report (Attachment 1) and summarized below:

1. **Definition of Family (Exhibit A; Section One)** – The definition of “Family” has been revised to be consistent with current law.
2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – The proposed ordinance specifies that Supportive Housing and Transitional Housing will be permitted by right in the Multi-family Residential (R-3) zone district.
3. **Emergency Shelter Overlay Zone (Exhibit A; Section Three)** – Section Three of the new ordinance amends Section 159.015 by adding (establishing) the Emergency Shelter (ES) overlay zone district.

4. **Emergency Shelters (Exhibit A; Section Four)** – Section Four of Exhibit A establishes the permit requirements for permanent shelters and temporary shelters and details the development standards for temporary shelters. Permanent shelters will only be allowed by rezoning property to include the Emergency Shelter (ES) overlay zone and are subject to certain development standards. Temporary shelters will be allowed as part of an institutional use and are also subject to certain development standards.
5. **Development Standards - Emergency Shelter Overlay Zone (Exhibit A; Section Five)** – This section of the ordinance details the development standards applicable to emergency shelters. The standards, which are consistent with the provisions of SB 2, include but are not limited to items such as occupancy, parking requirements, shelter facilities, management, and an operations plan.
6. **City Council revisions from May 13, 2013 hearing** – The following recommendations made by the City Council on May 13th are reflected in the attached ordinance (Exhibit A):
 - a. Occupancy – Permanent Shelter (Section 159.047(A).1) – The City Council recommended setting the maximum occupancy for permanent shelters at 20 persons. The recommendation to set this standard was determined in part by identifying the City's homeless "need." Staff calculated the City's pro rata portion of the County-wide homeless population by comparing the City's population to the County's population and applying the same ratio to the County's homeless population numbers (as determined by a 2012 point in time homeless count). The factors are as follows:

2010 Placer County population (2010 Census) – 348,432

2010 City of Auburn population (2010 Census) – 13,330

Auburn population as a percentage of the County population – 4%

2012 County-wide point-in-time homeless count – 275 persons

Auburn pro-rata share (4% of 275) = 11 persons

Based on the information that was available at the time, it was determined that the City would need to provide for at least 11 persons; therefore, a facility serving 20 persons would be satisfactory to meet the City's need.

The information above was based on the 2012 Point in Time survey of the homeless. New information has become available for the 2013 Point in Time survey conducted on January 23, 2013 (see Attachment 9). Utilizing the same methodology and incorporating the new numbers from the 2013 Point in Time survey, the needs analysis for the number of homeless persons changes as follows:

2013 PIT Homeless Survey – total individuals – 594 persons

Auburn pro-rata share (4% of 594) = 23.76 = 24 persons

Based on this new information and needs analysis, the City Council may want to consider revising the occupancy standard for permanent shelters (i.e. increasing the occupancy limit to at least 24 persons (see Exhibit A; Section 159.047(A).1)).

- b. Occupancy - Temporary Shelter (Section 159.381(B).2) – This section addresses the maximum number of occupants allowed at a temporary shelter and is provided to address the operations of shelters such as The Gathering Inn. The Planning Commission recommendation was 60 persons with the ability to increase to 75 persons during extreme weather days. On May 13th, City Council deliberated the issue and considered limiting occupancy 20 persons, but ultimately decided not to identify a specific number and to reconsider the issue when the ordinance returned for their reconsideration. On July 2nd, the Planning Commission reiterated their support for an occupancy limit of 60 persons and up to 75 persons on extreme weather days. Exhibit A reflects the Commission’s recommendation.
- c. Shower, Laundry, and Common Area – Permanent Shelter (Section 159.047(A).4) – City Council recommended that shelters provide a common area for residents, laundry facilities, and a minimum of two showers. Each of these services is provided for with this section.
- d. Shower and Laundry facilities – Temporary Shelter (Section 159.381(B).6) – This section has been provided by staff to provide these services in conjunction with the operations of a temporary facility. As provided, the service will be provided by the shelter agency, but the actual facilities will not need to be present at each facility used by the shelter. This provision is recommended by staff since the service is typically provided by the shelter operator at their initial staging area and not provided by the churches where the occupants are bussed to, fed, and housed for the evening.
- e. Parking (Section 159.047(A).2) – As recommended by City Council, shelters will provide one parking space for every ten residents instead of one for every four residents as originally proposed.
- f. Management – Staff Member (Section 159.047(A).3.a) – The number of on-site management was increased from one staff member to two staff members.
- g. Management – Occupant Listing (Section 159.047(A).3.d) – This section requires the shelter to maintain a list of the occupant’s names and to provide the list to the Police Department is requested. It also requires that the shelter notify the Police Department is the shelter removes someone from the facility.
- h. Operations Plan – Smoking/Drinking/Drugs (Section 159.047(A).5.i) – This section, provided by the City Attorney to address Council’s recommendation to prohibit smoking, drinking, and non-prescription drug use at the facility, insures that the facility enforce all required laws.

Public Comment and Correspondence

The Planning Commission received one letter from the public on the day of the July 2, 2013 hearing (Attachment 3). The letter, from Legal Services of Northern California, expresses their general support for the ordinance, but also comments that the development standards incorporated with the amendments are too restrictive.

Public comment about the proposed overlay ordinance during the July 2nd Planning Commission was sparse (four persons) and generally in opposition to the request. The comments are summarized in the Planning Commission minutes (Attachment 2).

Following the July 2nd hearing, the Community Development Department has been in receipt of several letters relating to proposed code amendments. These letters are included as Attachments 4-8 and include the following:

- Three letters have been provided by local churches - Pioneer United Methodist Church; Bayside Auburn Church; and First Congregational Church of Auburn (Attachments 4-6). The letters indicate each church's support for the temporary shelter services provided by the Gathering Inn and also recommend that the Council support the occupancy recommendations for temporary facilities as well as the recommendation related to the provision of shower and laundry facilities for temporary facilities.
- Suzi deFosset (The Gathering Inn) responds to the City Council's request for information about the Gathering Inn's occupancy numbers in past years (Attachment 7). In addition, she requests that the City set the occupancy rate temporary shelters to 60 persons with the ability to provide for 75 persons during extreme weather conditions.
- Susan Whitaker indicates that she is a business owner near the Wall Street overlay site, supports the Emergency Shelter overlay zone, and suggests expanding the overlay zone to other areas of the City (Attachment 8).
- Legal Services of Northern California submitted a second letter on July 12, 2013 (Attachment 9). The letter supports the provision of sheltering for the homeless, but questions the methods and requirements being considered by the City.

Environmental Determination

In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Auburn Community Development Department reviewed this project as required by CEQA and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

Alternatives Available; Implications of Alternatives

1. Continue consideration of the Ordinance establishing the Emergency Shelter (ES) overlay zone and direct staff to provide additional information.
2. Do not adopt the Ordinance for Emergency Shelters and Transitional and Supportive Housing and provide direction to staff to pursue alternatives.

Fiscal Impact

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

Attachments:

1. Planning Commission Staff Report – July 2, 2013
2. Minutes - July 2, 2013 Planning Commission hearing
3. Letter - Legal Services of Northern California – July 2, 2013
4. Letter – Pioneer United Methodist Church - July 2, 2013
5. Letter – Bayside Auburn Church - July 8, 2013
6. Letter – First Congregational Church of Auburn – July 8, 2013
7. Letter – The Gathering Inn – July 11, 2013
8. Letter – Susan Whitaker – July 12, 2013
9. Letter - Legal Services of Northern California – July 12, 2013

Exhibits:

- A. Ordinance – Emergency Shelter Overlay Zone and Transitional and Supportive Housing



CITY OF AUBURN

Planning Commission – Staff Report
Meeting Date: July 2, 2013

Prepared by: Reg Murray, Senior Planner

ITEM NO.
V-A

ATTACHMENT 1

ITEM V-A: ORDINANCE AMENDMENT - EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING (FILE 301.3(bb)).

REQUEST: The City of Auburn proposes to amend the Auburn Municipal Code to establish the Emergency Shelter (ES) overlay zone and establish standards for permanent and temporary emergency shelters.

RECOMMENDED MOTION:

- A. Move to adopt Planning Commission **Resolution 13-10** recommending that the Auburn City Council adopt an ordinance which establishes the Emergency Shelter (ES) overlay zone as well as standards for permanent and temporary emergency shelters as presented, or as amended by the Planning Commission.

BACKGROUND:

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 by requiring that jurisdictions plan for emergency shelters in the Housing Element (Element) of the General Plan. An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. With SB 2, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit).

In response to the requirements of SB 2, earlier this year the Auburn Planning Commission and the Auburn City Council considered proposed code amendments for emergency shelters. The proposed ordinance identified the Industrial (M-2) zone district as the appropriate zone district to allow emergency shelters. In addition, temporary emergency shelters would be permitted in association with institutional uses.

The Auburn Planning Commission reviewed the proposed code amendments on March 5, 2013 and recommended approval of the ordinance to City Council with several changes including, increasing occupancy at temporary shelters from 60 to 75 persons, lowering parking standards for shelters by reducing parking required of shelter occupants (i.e. from 1 per 4 participants to 1 per 10 participants), increasing separation requirements between shelters and properties in the Single-family Residential zone (from 300' to 500'), and adding a new separation requirement between emergency shelters and schools, parks, and libraries.

On April 8, 2013, the Auburn City Council considered the proposed ordinance and the changes as recommended by the Planning Commission. Following public testimony and deliberation by the Council, the City Council elected not to designate a zone district which would allow emergency shelters, but instead, decided to use the zone overlay process to address the provision of emergency shelters. The City Council identified two areas which could be appropriate for emergency shelters, one area on Nevada Street west of the Signature movie theater, and one area at the northern end of Wall Street, and directed staff to move forward with the necessary code amendments and rezone entitlements for these areas. The ordinance featuring the proposed code amendments is attached to the Planning Commission resolution (Exhibit A).

ANALYSIS:

Provided below is a summary of the provisions associated with the proposed code amendments:

1. **Definitions (Exhibit A; Section One)** – The proposed ordinance provides several definitions, including ones for “Emergency Shelter,” “Institutional Use,” “Supportive Housing,” and “Transitional Housing.” The ordinance also includes a revised definition for “Family” to be consistent with current law.

***FAMILY.** One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit ~~occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.~~ **FAMILY** shall be deemed to include the necessary servants and may include up to 5 persons not related by blood or marriage.*

The definitions provided with Exhibit A remain unchanged from the code amendment that was previously reviewed by the Planning Commission on March 5th.

2. **Supportive & Transitional Housing (Exhibit A; Section Two)** – Senate Bill 2, referenced above, also mandated that local jurisdictions permit “transitional housing” and “supportive housing,” with such housing treated the same as any other residential use property (i.e. as a use permitted by right). In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).

The code amendments considered previously by the Planning Commission on March 5th included provisions for both transitional and supportive housing (i.e. both housing types would be permitted uses in the Multi-family Residential (R-3) zone district). The provisions were forwarded to the Auburn City Council, however, the ordinance was put “on hold” by the Council while the issue of emergency shelters was being dealt with; as such, no action was taken on the code amendments for transitional housing and supportive house. The current draft ordinance (Exhibit A) again includes both transitional housing and supportive

housing; both uses would be permitted “by right” in the R-3 zone district, with no requirement for a use permit or other discretionary approval.

3. **Emergency Shelter Overlay Zone (Exhibit A; Section Three)** – Section 159.015 of the Auburn Zoning Ordinance establishes (i.e. lists) the City’s various zone districts. Section 3 of Exhibit A amends Section 159.015 by adding the Emergency Shelter (ES) overlay zone district.
4. **Emergency Shelters (Exhibit A; Section Four)** – Section Four of Exhibit A establishes the permit requirements for emergency shelters; this includes both permanent shelters and temporary shelters.

Permanent Shelters – Pursuant to Section 159.381(A), permanent shelters will only be allowed in association with the Emergency Shelter (ES) overlay zone. As required by SB 2, permanent shelters will be a permitted use type (i.e. allowed without the need for any additional discretionary action such as a use permit), and will be subject to the development standards identified in new Section 159.047. These development standards are consistent with the California Government Code requirements established as part of SB 2.

Temporary Shelters - This section also provides standards for temporary shelters (Section 159.381(B)). Provisions can be provided for temporary shelters since the proposed code amendments already permits permanent shelters by right. With this section, temporary emergency shelters would be allowed in conjunction with institutional uses (i.e. a use associated with places of worship, hospitals, educational facilities, and community service organizations). A definition for Institutional Uses is included in Section One of the ordinance.

Provisions for temporary shelters are being provided to address The Gathering Inn which currently has operations that assist the homeless throughout Placer County, including the City of Auburn (e.g. the Salvation Army on Sutter Street). The Gathering Inn collects homeless persons at various locations in the County and takes them to different temporary facilities, rotating the operations between various participating providers (e.g. they could provide for the homeless at a facility in Roseville one day and in Auburn the next day). Including temporary shelters in the code amendments insures that the City does not make an existing operation non-compliant with the new code. Staff supports this measure since the Gathering Inn has operated in Auburn for several years with little-to-no problem.

The proposed ordinance includes standards for temporary shelters which are consistent with the standards reviewed by the Commission earlier this year (Sections 159.381(B)(1, 3-5)) with one exception - the number of occupants. The original draft ordinance limited the maximum number of occupants to 60. At the March 5th hearing, the Planning Commission recommended that the maximum number of occupants increase to 75. The increase addressed The Gathering Inn’s request to house additional homeless during recognized severe weather days. During the City Council’s deliberations on May 13, 2013, Council considered limiting occupancy to no more than twenty (20), to be consistent with their proposal for permanent shelters, but ultimately decided to not identify a specific number at

this time and reconsider the issue when the emergency shelters ordinance goes back to them for review. As such, Section 159.381(B)(2) identifies the maximum number of occupants as “X.” The Planning Commission may wish to reaffirm their prior recommendation (75), consider an alternative number, or defer to the judgment of the City Council.

5. **Development Standards - Emergency Shelter Overlay Zone (Exhibit A; Section Five)** – The provisions of Senate Bill 2 allow jurisdictions to apply development standards to permanent emergency shelters, but only in specific categories. Section Five of Exhibit A will add Section 159.047 to the Auburn Municipal Code, memorializing the applicable development and management standards. Several of the standards are reviewed below; the standards are the same as those that were reviewed by the Planning Commission in March, except that several were amended by the City Council during their deliberations on May 13th.
- a. Occupancy – Permanent emergency shelters would be allowed up to twenty (20) occupants at any one time. The original draft ordinance limited occupancy to 30 individuals, and this standard was also the recommendation of the Planning Commission; however, the City Council expressed their desire to limit maximum occupancy to no more than 20 individuals.
 - b. Parking Requirements - Emergency shelters will be required to provide one parking space for each staff member plus one parking space for every ten residents at the shelter. The original draft would have required one space per four residents; however, the City Council agreed with the Planning Commission’s recommendation from March 5th and reduced the standard to one space for every 10 residents.
 - c. Management – The management standards are essentially that same as those originally reviewed by the Commission in March with two exceptions: *Item 3.a* – The City Council increased the number of on-site staff from one (1) to two (2); and, *Item 3.d* - The City Council requested an additional standard requiring that a facility maintain a list of residents, that the list be made available to the Police Department on request, and that the Police Department should be notified if management removes a resident from the facility.
 - d. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. The list of facilities includes those originally reviewed by the Planning Commission as well as several additions recommended by the City Council. The facilities added by the City Council include: a common area for use by the occupants; laundry facilities; and a minimum of two showers.
 - e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan for the operation of the shelter. The standards covered by the operations plan are the same as those originally reviewed by the Planning Commission. The City Council also added Item 5.i which prohibits smoking, drinking, and non-prescription drug use at the facility.

The Planning Commission is a recommending body for this ordinance amendment. All comments and recommendations from the Commission will be forwarded to the Auburn City Council for their consideration. The tentative date for City Council review is Monday, July 22, 2013.

ENVIRONMENTAL SUMMARY:

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

EXHIBITS

- A. Planning Commission Resolution 13-10 with attached ordinance for Emergency Shelters and Supportive & Transitional Housing

P:/Ordinance Amendments/Emergency Shelters/Emergency Shelters Overlay/Emergency Shelter Overlay Ord.pcreport1

EXHIBIT A

PLANNING COMMISSION RESOLUTION NO. 13-10

ORDINANCE AMENDMENT – EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING (ADMIN FILE# 301.3(bb))

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of July 2, 2013, to consider a recommendation to the City Council to amend the Auburn Municipal Code to establish the Emergency Shelter (ES) overlay zone and establish standards for permanent and temporary emergency shelters.

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the July 2, 2013, meeting.
2. The draft ordinance for Emergency Shelters and Transitional & Supportive Housing (attached).
3. Staff presentation at the public hearing held on July 2, 2013.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing evidence, the City of Auburn Planning Commission recommends the following:

1. The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3);
2. The Ordinance is consistent with the General Plan Housing Element; and,
3. The Ordinance is consistent with State law and is the minimum necessary to protect the health, safety and general welfare.

Section 4. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby recommends adoption of the Statutory Exemption and recommends that the City Council approve the code amendment to establish the Emergency Shelter (ES) overlay zone and establish standards for permanent and temporary emergency shelters (attached), as carried by the following vote:

AYES:

NOES:

ABSENT:
ABSTAIN:

PASSED AND RECOMMENDED this 2nd day of July, 2013.

Chairman, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department

ORDINANCE NO. 13 - _____

AN ORDINANCE FOR EMERGENCY SHELTERS, SUPPORTIVE HOUSING AND
TRANSITIONAL HOUSING

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES
HEREBY ORDAIN:

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of **FAMILY** and add definitions for **EMERGENCY SHELTER**, **INSTITUTIONAL USE**, **SUPPORTIVE HOUSING** and **TRANSITIONAL HOUSING**, to read as follows:

EMERGENCY SHELTER. Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

INSTITUTIONAL USE. Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

SUPPORTIVE HOUSING. Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

TRANSITIONAL HOUSING. Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business –A District (C-2A); and
- (BB) Emergency Shelter overlay (ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Sections 159.380 and 159.381 (Emergency Shelters) as follows:

EMERGENCY SHELTERS

159.380 PURPOSE.

The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

159.381 PERMIT REQUIREMENTS

- (A) Permanent emergency shelters shall be a permitted use in the Emergency Shelter (ES) overlay zone district and subject to the development standards identified in Section 159.047.
- (B) Temporary emergency shelters are permitted as part of an institutional use subject to the following:
 - 1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
 - 2. The maximum number of occupants shall not exceed (X).
 - 3. Temporary emergency shelters are not subject to any distance separation requirements.
 - 4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
 - 5. The shelter shall not operate more than 12 hours per day.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Emergency Shelter Overlay (ES)) as follows:

159.047 EMERGENCY SHELTER (ES) OVERLAY.

(A) **Development Standards.** Emergency Shelters shall comply with the following:

1. **Occupancy.** The maximum number of occupants to be served shall not exceed twenty (20).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every ten (10) residents.
3. **Management.** The following management standards shall apply:
 - a. On-site management shall be provided by at least two (2) emergency shelter staff member at all times while clients are present at the shelter.
 - b. Security personnel shall be provided on-site during hours of operation.
 - c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
 - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
 - a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
 - b. Common area for the use of clients.
 - c. Laundry facilities.
 - d. Shower facilities – provide a minimum of two (2) showers.
 - e. Secure areas shall be provided for personal property.
 - f. Adequate interior and exterior lighting shall be provided.
 - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:
 - a. A floor plan demonstrating compliance with the physical standards of this chapter.

- b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
 - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
 - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
 - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
 - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.
 - g. Adequate and effective screening. Identify the admittance eligibility of clients.
 - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
 - i. Smoking/drinking/drugs. Smoking, drinking, and the taking of (non-prescription) drugs shall be prohibited on the premises. The operations plan shall include specific measures addressing these restrictions.
 - j. The names and contact information of all responsible parties.
6. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.
 7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
 8. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: _____, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the _____ day of _____ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
July 2, 2013**

The regular session of the Auburn City Planning Commission was called to order on July 2, 2013, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Spokely, Willick, Worthington

COMMISSIONERS ABSENT: Luebkehan, Vitas

STAFF PRESENT: Will Wong, Community Development Director
Reg Murray, Senior Planner

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF MINUTES**

None

- IV. PUBLIC COMMENT**

None

- V. PUBLIC HEARING**

- A. ORDINANCE AMENDMENT – EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING (File 301.3(bb)).**
The City of Auburn proposes to amend the Auburn Municipal Code to establish the Emergency Shelter (ES) overlay zone and establish standards for permanent and temporary emergency shelters. The ordinance also permits supportive and transitional housing in the City's multi-family residential (R-3) zone.

Planner Murray presented the staff report, reviewing the history associated with the City's consideration of adopting code amendments for emergency shelters in conformance with Senate Bill 2. He reviewed the City Council's direction to utilize the overlay zone process to allow for emergency shelters, the amendments necessary for the overlay zone code revisions, and the proposed development standards for both permanent and temporary shelters. Planner Murray summarized several revisions to the standards as recommended by the City Council. He also referred to a staff memo released subsequent to the staff report and the two proposed revisions contained therein, one relating to the regulation of smoking, drinking, and drug use

in shelters and another relating to an addition to the operations plan requirements for temporary shelters.

Planner Murray also noted that the Ordinance would permit Supportive and Transitional Housing in the Medium Density Multiple-family Residential Zone District (R-3).

Planner Murray pointed out that a letter had been received from Legal Services of Northern California prior to the meeting and had been provided to the Commission.

Commissioner Worthington asked if staff had researched other jurisdictions in Placer County to see how they were planning for the emergency shelters.

Planner Murray clarified that SB 2 does not require that jurisdictions provide emergency shelters, but adopt zoning standards that would allow shelters by right and without the need for additional discretionary permits.

Commissioner Worthington asked if the overlay process that allows shelters would waive any variance requirements of a use if they would normally be necessary.

Planner Murray stated that the provisions of SB 2 would not waive the need for a variance if required by the use.

Commissioner Worthington questioned wording provided for the temporary shelters.

Planner Murray indicated that the wording was appropriate and had been reviewed by the City Attorney.

Director Wong noted that the standards for temporary shelters had been reviewed with The Gathering Inn since they currently provide for temporary shelter in Auburn.

Commissioner Worthington asked if the operations associated with The Gathering Inn satisfies the requirements of SB 2.

Planner Murray noted that The Gathering Inn operates as a temporary shelter and does not satisfy the requirements of SB 2, which requires that the jurisdiction allow for permanent shelters.

Commissioner Worthington asked why the new ordinance included a definition of "family."

Planner Murray commented that the City's current definition is out of date and needs to be replaced.

Commissioner Worthington expressed concern about the proposed re-wording of the standard addressing smoking, drinking, and drug use in staff's memo.

Planner Murray noted that the language was developed by the City Attorney, that it complies with the requirements of SB 2, and that it insures that the operation of any emergency facility will comply with all applicable laws.

Commissioner Worthington asked if the revised standard prepared by the City Attorney had been reviewed by the Police Department.

Director Wong noted that all operations plans are subject to the review of the Police Department.

Commissioner Worthington stated her support for setting the occupancy limit for temporary shelters at 20 persons to be consistent with City Council's recommended standard for permanent shelters.

Chairman Spokely noted that the two rezone entitlements associated with the zone overlay code amendments are rather narrowly focused and questioned whether Council felt the Industrial (M-2) zone district previously considered by the City had been too broad.

Planner Murray stated that there are a number of M-2 areas throughout the community, but after the addition of a buffer from single-family residential property, the M-2 zone was also limited to two basic areas in town including the Borland and Sacramento Street areas.

Director Wong added that during the City Council's earlier consideration of emergency shelters, staff had provided Council with a review of all of the City's zone districts (excluding Single-family Residential (R-1) and Open Space (OSC). Based on Council's review of all of the zone districts, Council directed staff to pursue the overlay zone process. Director Wong also noted that the overlay zone process, and the two Rezone entitlements also on the agenda, are the projects presented for the Commission's review, but the Commission could comment on the process selected by Council if they also wished to do so.

Chairman Spokely opened the public hearing.

Suzi Defosset, representing herself as an Auburn resident, a representative of the Placer Consortium on Homelessness, and an executive of The Gathering Inn, addressed the Commission. Ms. Defosset commented that The Gathering Inn uses the "nomadic" model (i.e. housing the homeless at different facilities each day). She noted that a 20-occupant limit for temporary shelters would not be sufficient for The Gathering Inn's operations. She observed that since 2004 their operation has always housed more than 20 people and that in 2012 their average occupancy was 51.6 people per night. On "extreme-weather" nights, where persons might be harmed by

the weather, they have served up to 82 individuals. Ms. Defosset noted that if the occupancy for temporary shelters was limited to 20 persons, that her organization would not be able to serve Auburn. She commented that none of the other jurisdictions that she works have ever set a limit on occupancy other than 60-75 people. She also stated that these same jurisdictions allow 60 people for their permanent shelters. Ms. Defosset commented that she agrees with the other standards included with the proposed code and observed that the Auburn Police Department has never had a problem with The Gather Inn's operations.

Chairman Spokely asked about their staffing and parking needs.

Ms. Defosset stated that they always have at least two staff members and bring in a third staff member on extreme-weather days. She had no objections to the proposed parking standards.

Chairman Spokely asked Ms. Defosset if she had any objections to the new Council requirement to maintain a list of persons attending the shelter.

Ms. Defosset indicated that she had no objection.

Commissioner Willick commended Ms. Defosset and the efforts of The Gathering Inn.

Commissioner Worthington asked how they accept homeless persons dropped off by law enforcement.

Ms. Defosset noted that The Gathering Inn provides their itinerary to all local law enforcement so that they know where they are located so that law enforcement can drop-off homeless individuals that are in need.

Commissioner Worthington asked for clarification on the occupancy numbers for temporary shelters proposed in the ordinance as well as how laundry and shower facilities are provided by The Gathering Inn.

Ms. Defosset reiterated that they would stop any service to Auburn if they are not able to have the occupancy limit increased to 60-75 persons. She noted that they have laundry and shower facilities in Roseville and that showers are provided before individuals are bussed to Auburn.

Commissioner Willick asked staff for clarification on the occupancy numbers for permanent and temporary shelters, what the Commission previously recommended, and the Commission's options for the recommendations to City Council.

Planner Murray reviewed the Planning Commission's previous recommendations for occupancy standards, 30 persons for permanent shelters and 60-75 persons for temporary shelters. He also noted that City Council chose to limit occupancy for

permanent shelters to 20 persons, but remained undecided on the occupancy limit for temporary shelters.

Director Wong noted that the Planning Commission may want to recommend an occupancy limit to City Council for temporary shelters.

Kevin O'Connell, 560 Wall Street, claimed that adequate public notice had not been provided for the public hearing. He also questioned the selection of the Wall Street project area for the Emergency Shelter overlay zone, citing factors such as access and the existing adjacent uses.

Chairman Spokely indicated that Mr. O'Connell's comments related to the Wall Street rezone item appearing later on the agenda and suggested that Mr. O'Connell comment during the public hearing for that item.

Commissioner Willick asked staff to review the public notice provided for the hearing items.

Planner Murray reviewed the public notice requirements and stated that proper public notice had been provided for the code amendment.

Virgil Trainor, owner of the Toyon Building, stated that he wanted to go on record with his opposition to the overlay ordinance.

Robert Procissi asked for clarification as to what is required by the Senate Bill 2.

Planner Murray reviewed the SB 2 requirements and summarized the proposed code amendments.

Chairman Spokely closed the public hearing.

Commissioner Worthington referred to a staff proposal for the provision of shower and laundry facilities and suggested a modification to the proposed wording of the provision.

Director Wong noted that the provision was specifically worded by staff to address both current and future operators of a temporary shelter.

Chair Spokely suggested identifying an occupancy figure for temporary shelters and recommended allowing 60 occupants for normal operations and 75 occupants for extreme weather conditions.

Commissioners Willick and Worthington expressed support for the recommendation.

Commissioner Worthington **MOVED** to adopt Planning Commission Resolution 13-10 recommending that the Auburn City Council approve the Ordinance for the Emergency Shelter overlay zone with the following modifications:

- Section 159.047(A)(5)(I) revised to read as follows: Smoking/drinking/drugs. The operations plan shall include specific measures to enforce local, state, and federal laws regarding the possession, sale, and use of illicit drugs, and regulating the possession, sale, and use of alcohol and tobacco.
- 159.381(B)(2) revised to read as follows: The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants during extreme weather conditions.
- 159.381(B)(6) added as follows: The provision of shower and laundry services shall be included as part of the Operations Plan.

Chairman Spokely **SECONDED** the motion.

Commissioner Willick commented that he preferred a regional approach to the homeless shelter issue and favored the earlier approach considered by the Planning Commission which identified a zone district, the Industrial (M-2) zone, as the appropriate zone district for emergency shelters. He noted that he had trouble with the overlay zone approach and in not knowing where it would be applied in the City in the future.

AYES:	Spokely, Worthington
NOES:	Willick
ABSTAIN:	None
ABSENT:	Luebke, Vitas

The motion was **APPROVED**.

- B. REZONE – EMERGENCY SHELTER OVERLAY (455 NEVADA STREET) – FILE# RE 13-1.** The City of Auburn is proposing to apply the Emergency Shelter (ES) overlay zone to the properties at 445/455 Nevada Street. With the ES overlay zone, permanent emergency shelters for the homeless would be allowed on the subject properties as a use permitted by right, subject to development standards, in addition to all other existing uses permitted by the underlying zone(s).

Planner Murray presented the Emergency Shelter (ES) overlay rezone proposal for the Nevada Street project area. He reviewed the properties that make up the project area as well as the existing zoning and land uses of the project area and the surrounding properties. Planner Murray summarized the ES zoning overlay and noted that the overlay is added to the existing zoning. He noted that the properties associated with the project area would be appropriate to accommodate an emergency shelter.

July 2, 1013

City of Auburn
Planning Commission
1225 Lincoln Way
Auburn, Ca. 95603

Re: Proposed Amendment to the Municipal Code to establish the Emergency Shelter overlay zone.

Honorable Members of the Planning Commission:

Thank you for this opportunity to comment on this important item affecting the homeless population in our community. My office is the non-profit civil legal aid program located in Auburn and providing free legal assistance to low income clients in Placer County, including Auburn. We provide a wide variety of services to homeless residents in our community and work with many local social service agencies that also provide homeless services. Based upon our many years of experience working with the homeless, I submit the following comments regarding the proposed amendments to the Municipal Code to establish the Emergency Shelter (ES) overlay zone.

My office takes the position that the proposed amendments should be endorsed by the Planning Commission and adopted by the City of Auburn. However, we feel that the development standards as proposed in Section 159.047 are so onerous and restrictive, that they would in fact constrain the development of emergency shelters, rather than to facilitate the development, as intended by the drafters of the Auburn Housing Element and State Senate Bill 2. Therefore, we feel that the proposal, as currently worded, does not comply with the law, and we urge the Commission to propose modifications to the standards, as set forth below.

First, concerning the occupancy limits, the limits should be in the range of 60 to 75 persons. If this number cannot be approved by the Commission, we urge the Commission to suggest a limit significantly larger than the figure of 20 persons contained in the current proposal. It is our understanding that it would be economically and programmatically impossible to operate an emergency shelter with such a limited population, and therefore the shelter will never be built. Further, the figure of 20 is far too low to meet the existing demand for shelter, and therefore it would not eliminate the need for unauthorized camps, as they currently exist.

Second, concerning staffing, a requirement of two (2) staff persons on-site is excessive, especially if the population is limited to 20 or fewer. The financial realities of funding from grants, which is

Mother Lode Regional Office
190 Reamer Street, Auburn, CA 95603
Phone: (530) 823-7560 | Fax: (530) 823-7601 | Toll Free: (800) 660-6107
auburn-office@lsnc.net

Satellite Office
101 Providence Mine Road, Suite 106D, Nevada City, CA 95959
Phone: (530) 470-8562 Fax: (530) 470-8670
auburn-office@lsnc.net

www.lsnc.net

A Legal Services Corporation Program 

linked to the number of actual shelter nights provided, and private contributions would render such a limited shelter financially infeasible.

Third, concerning the limitation on smoking tobacco, such a restriction would be discriminatory against the homeless population, and hence would discourage participation, as well as being unenforceable and unnecessary. There are many ways that a smoking area might be provided which would not impact the non-smokers.

There are a number of other regulations, which we feel are excessive, but lacking the time to discuss them in this letter, we hope we will have the opportunity to raise them at a later date.

The Auburn community is sorely in need of an emergency shelter. It would benefit the community as well as our homeless residents. We urge the Planning Commission to make a good faith effort to embrace both the spirit and the letter of the law and recommend adoption of the zoning overlay with modifications to the development standards.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Herb Whitaker", written in dark ink.

Herb Whitaker
Managing Attorney



Pioneer United Methodist Church

Est. 1852

Barbara Smith
Pastor

www.pioneerumc.org

Melinda Robinson
Administrative Assistant

ATTACHMENT 4

July 2, 2013

Auburn City Council

Subject: Temporary Emergency Shelters
Gathering Inn

Dear City Council Members,

It has come to our attention that the City of Auburn is considering regulations that would affect the operations of the Gathering Inn. We support the Gathering Inn's request to allow for a maximum of 75 occupants.

We have provided assistance for the Gathering Inn since its inception. At our church we have assisted as many as 60 people at one time, which is the maximum we are able to accommodate. Year round we provide accommodations at least twice a month.

We also ask that you provide for some flexibility on your requirements for facilities. We agree that shower and laundry facilities are needed, but these should not be required at all places if handled elsewhere. Our guests always arrive clean. At our church we provide a hot evening meal and ready-to-go breakfast, bathroom facilities (no showers,) a sleeping area with bedrolls and pads provided by the guests or the Gathering Inn.

We appreciate the fine work the Gathering Inn staff has done to give a "hand up, not a hand out" to the homeless. The structure of the Gathering Inn requires the clients to adhere to strict rules and boundaries in order to participate, which in turn protects the community and the local churches providing shelter. This allows an opportunity for churches to participate in a much needed mission outreach program.

I thank you for your time and consideration in this matter. If you have any questions, please contact me at 530-885-4196 or 530-888-6844.

Sincerely,

Melinda Robinson
Administrative Assistant and
Gathering Inn Coordinator

1338 Lincoln Way, Auburn, CA 95603

Phone: (530) 885-4196

Fax: (530) 885-1830

E-mail: office@pioneerumc.org



July 8, 2013

City Council
City of Auburn

Honorable Members:

We recently learned that the City of Auburn is considering regulations that would affect the operations of The Gathering Inn. We support The Gathering Inn's request to allow for a maximum of 75 guests or occupants.

We have participated in the ministry of The Gathering Inn since 2006 and have hosted Gathering Inn guests in our church facility. We hosted 71 guests during one very cold night last winter. Although we are moving to a new facility and may not host guests there, we will still provide the meal at another church within the City of Auburn and may well serve up to 75 guests if weather conditions are as they were earlier this year.

In considering the facility requirements, we request that you provide some flexibility. Although our former facility had a shower, the one stall would have been inadequate to serve the guests; in fact, they arrive on The Gathering Inn busses showered for the evening. It would be unfortunate to disqualify a large facility that is fully capable of feeding and housing The Gathering Inn guests for a night every month or six weeks because it lacks shower or laundry facilities that would not otherwise be needed as part of the regular business of the church.

We appreciate your consideration of our concerns in this matter. If you have any questions, please do not hesitate to contact me at 888-9232. I live in the City of Auburn.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read 'Richard W. Goss', is written over the typed name.

Richard W. Goss
Liaison to The Gathering Inn
Bayside Auburn Church



THE CHURCH ON THE HILL
since 1875

FIRST CONGREGATIONAL CHURCH OF AUBURN
UNITED CHURCH OF CHRIST

REV. DANIEL SPACEK
Pastor

RECEIVED

July 8, 2013

JUL 11 2013

Auburn City Council
Subject: Temporary Emergency Shelters
Gathering Inn

COMMUNITY DEVELOPMENT
CITY OF AUBURN

Dear City Council Members,

It has come to our attention that the City of Auburn is considering regulations that would affect the operations of the Gathering Inn. We support the Gathering Inn's request to allow for a maximum of 75 occupants.

We have provided assistance for the Gathering Inn since its inception. At our church we have assisted as many as 70 people at one time, which is the maximum we are able to accommodate. Year round we provide accommodations monthly.

We also ask that you provide for some flexibility on your requirements for facilities. We agree that shower and laundry facilities are needed, but these should not be required at all places if handled elsewhere. Our guests always arrive clean. At our church we provide a hot evening meal and ready-to-go breakfast, bathroom facilities (no showers,) a sleeping area with bedrolls and pads provided by the guests or the Gathering Inn.

We appreciate the fine work the Gathering Inn staff has done to give a "hand up, not a hand out" to the homeless. The structure of the Gathering Inn requires the clients to adhere to strict rules and boundaries in order to participate, and our facility is always left spotless. This in turn protects the community and the local churches providing shelter. This allows an opportunity for churches to participate in a much needed mission outreach program.

I thank you for your time and consideration in this matter. If you have any questions, please contact me at 530-477-6146

Sincerely,

Marilyn Hopkins

Gathering Inn Coordinator

First Congregational Church of Auburn, UCC

ATTACHMENT 6



Physical: 201 Berkeley Ave., Roseville, CA 95678 | Mailing: P.O. Box 297, Roseville, CA 95678
ph. (916) 791-9355 | fax (916) 791-1916

July 11, 2013
Auburn City Council
1225 Lincoln Way
Auburn, CA 95603

RE: Temporary Shelter Capacity

Councilmen,

In recent Council meeting pertaining to SB2, there has been open discussion on the capacity of persons allowed for the Temporary Shelter, which then dictates how The Gathering Inn can operate within the city limits of Auburn.

The Gathering Inn (TGI) has provided shelter, food, clothing, social services and case management for the homeless in Auburn for the past 8 years. During this period of time TGI has grown from a part time shelter serving 4 months of a year to a year around operation to meet the demand of this growing population.

There has been some question about the number of persons we serve on a nightly basis. Please allow me to clear this confusion;

2004-2005	35 average per night	2008-2009	46 average per night
2005-2006	37	2009-2010	53
2006-2007	42	2010-2011	56
2007-2008	43	2011-2012	52

And this year we are averaging **55** per night. Interestingly enough the average length of stay per person has been consistent for the past years at 45 days – the services we are providing are allowing people to move to housing -**282** in the past two years! Our complete mission is to provide a hand up rather than a hand out. Some of our services include: for the year 2011-2012

• Shelter	400 per year	• Dental care	90
• Clothing	3,900	• Mental health referrals	142
• Medical care	400	• Case management services	199
• Medical transportation	1958	• Veterans	44
• Substance abuse treatment	50		

There is no doubt that TGI is a very effective program that not only provides for the underserved and homeless in this county but TGI also saves the local community thousands of dollars by keeping people sober, safe and off the streets.

TGI is only able to do this work with the help of 60 community churches whom house us each night. Ten of those churches are located in the Auburn area and many of the nightly volunteers

live in Auburn. Allowing the citizens of this area to demonstrate with their hearts why this is such a great community to live in.

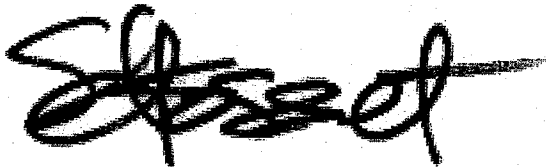
TGI is the agent for the Community Block Grant Extreme Weather shelter. This allows TGI to hire more staff and to bring in any person during extreme cold days – 31degrees or lower. TGI provides shelter to travelers and persons the local Police Departments find on the streets. The shelter capacity can climb to 82 on those days.

During a previous Council meeting it was suggested we limit the number of persons served while in the City Limits of Auburn to 20 for the temporary shelter. If the suggestion is accepted into SB 2, then TGI would need to tell up to 40 persons that they could not have shelter. We are not prepared to make such a King Solomon decision. We would be forced to discontinue the use of 10 churches in the Auburn area, suspend services to the Auburn homeless and discontinue to provide transportation to the shelter on a nightly basis for those persons in the Auburn area.

We are requesting the temporary shelter occupancy rate be approved for 60 persons unless there is an extreme weather condition, which would allow for 75 persons.

It is my honor to serve the citizens of Auburn by providing an answer to homelessness and a place for the citizens to give demonstration the heart of our community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Suzi deFosset', with a stylized, cursive script.

Suzi deFosset, MA
Executive Director

Susan Whitaker
165 Russell Road
Auburn, Ca. 95603
530-885-6821

RECEIVED

July 12, 2013

City of Auburn City Council
1225 Lincoln Way
Auburn, Ca. 95603

JUL 12 2013

Name: *Susan Whitaker*

Re: Proposed Amendment to the Municipal Code to establish the Emergency Shelter overlay zone.

Honorable Members of the Auburn City Council:

I am writing to express my support for a City ordinance which would apply the proposed emergency shelter zoning to the properties located off of Nevada Street and Wall Street in Auburn.

I have been a resident of Auburn for the last twenty-four years, and I currently live immediately outside of the city limits. I have operated my business, Canyon Spirit Yoga Center, at 538 Auburn Ravine Road in Auburn for the last fourteen years. My business is located almost directly across the street from the Wall Street property which is proposed for the overlay zone.

As a business owner in the Wall Street neighborhood where the proposed emergency shelter zone would go into effect, I wish to say – Yes In My Back Yard. I support the proposed zoning location, and I think that Auburn should extend the zoning overlay to other areas as well.

For many years I have seen homeless people around the Wall Street/Auburn Ravine area, so I know that there is a need for a shelter. The homeless people in this area have never caused problems for me or my business. Also, I have been a supporter and donor of The Gathering Inn shelter program for many years. I think that the City of Auburn should show some compassion toward the homeless, and should not take any action which will make the operation of The Gathering Inn program more difficult.

Thank you for your consideration.

Susan Whitaker

Susan Whitaker



JUL 12 2013

July 12, 2013

Name: KKK

City of Auburn City Council
1225 Lincoln Way
Auburn, Ca. 95603

Re: Proposed Amendment to the Municipal Code to establish the Emergency Shelter overlay zone.

Honorable Members of the Auburn City Council:

I was struck by the contrast between the two newspaper headlines on July 3, 2013. The Sacramento Bee read: "Sacramento's homeless struggle to survive heat wave", addressing the fact that homelessness is a life threatening reality for many. The Auburn Journal headline read: "Auburn planners reject Nevada, Wall St. homeless-shelter plan." The Auburn Journal article stated that the fate of the homeless-shelter plan now lies with this City Council.

Thank you for this opportunity to comment on this important item affecting the homeless population in our community. My office is the non-profit civil legal aid program located in Auburn and providing free legal assistance to low income clients in Placer County, including Auburn. Since 1978 we have provided a wide variety of services to homeless residents in our community and we continue to work with many local social service agencies that also provide homeless services. Based upon our many years of experience working with the homeless, I submit the following comments regarding the proposed amendments to the Municipal Code to establish the Emergency Shelter (ES) overlay zone.

While acknowledging that the Council must consider the views of a variety of vocal constituents, we implore the council to also consider the issue from the perspective of the homeless residents of Auburn and the service providers that attempt to provide services for them. We urge the Council to reject the proposed amendments as written, because the development standards, as proposed in Section 159.047, are so onerous and restrictive, that they would in fact constrain the development of emergency shelters, rather than facilitate the development as intended by the drafters of the Auburn Housing Element and State Senate Bill 2. Specifically, the restriction to a maximum of twenty residents would render it virtually impossible for any developer to finance, build and operate an emergency shelter. Therefore, we feel that the proposal, as currently worded, does not comply with the law, and we urge the Council to amend the proposal, as set forth below.

Mother Lode Regional Office
190 Reamer Street, Auburn, CA 95603
Phone: (530) 823-7560 | Fax: (530) 823-7601 | Toll Free: (800) 660-6107
auburn-office@lsnc.net

Satellite Office
101 Providence Mine Road, Suite 106D, Nevada City, CA 95959
Phone: (530) 470-8562 Fax: (530) 470-8670
auburn-office@lsnc.net

I. The City of Auburn must adopt an emergency zoning ordinance which is consistent with state law and the City of Auburn Housing Element.

A. The proposed zoning amendment is inconsistent with Senate Bill 2.

On October 15, 2007, Governor Arnold Schwarzenegger signed into law Senate Bill 2 (SB2).¹ According to Cathy Creswell, Deputy Director, Cal. HCD Div. of Housing Policy Dev., the purpose of SB2 is to “strengthen[s] housing element law to ensure [that] zoning encourages and facilitates emergency shelters...” (Emphasis added.)²

SB2 amends Housing Element law at Cal. Gov. Code § 65583 (a)(4)(A) by mandating local governments to “identif[y] . . . a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit” provided that “each local government . . . identif[ies] a zone or zones that can accommodate at least one year-round emergency shelter.”

SB2 allows localities to address their own development priorities. Thus, “SB2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters...” including, for example, “the maximum number of beds or persons permitted to be served nightly by the facility.” However, “These developments standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter;...” (Emphasis added.) HCD SB2 Memo, *supra*, at 11. Thus, even with this flexibility, if a local government becomes too restrictive hindering opportunities for the development of emergency shelters, the basic policy of *encouragement* and *facilitation* of emergency shelters embedded in SB2 itself becomes violated. As discussed below, the zoning amendments proposed by the City of Auburn are so restrictive that they, in fact, discourage the development of shelters, and are therefore invalid.

B. The proposed zoning amendment is inconsistent with the Auburn Housing Element.

The proposed zoning ordinance is based in part on the quantitative analysis, goals, policies and proposed programs contained in the Proposed City of Auburn Housing Element of 2013, as well as the existing 2008 Housing Element. These two items are inter-related. The City must adopt an emergency shelter ordinance that is consistent with its Housing Element, and until the City adopts an emergency shelter ordinance which complies with SB2, it cannot complete its Housing Element

¹ A copy of SB2 can be found at Cal. Dept. of Housing and Community Dev., *Housing Elements*, available at http://www.hcd.ca.gov/hpd/sb_2_bill_20071013_chaptered.pdf.

² Memorandum regarding SB 2 from Cathy Creswell, to Planning Directors and Interested Parties, at p.1, (May 7, 2008, updated April 10, 2013) [hereinafter HCD SB2 Memo].

process.³ In other words, failure to adopt an adequate emergency shelter ordinance proves the inadequacy of the Housing Element.

1. Housing Element Needs Assessment

The proposed shelter ordinance is not consistent with the proposed 2013 Housing Element Housing Needs Assessment. That section of the Element states that: "The number of homeless persons has increased dramatically in the last decade for a number of reasons, including the decrease in federal housing funds, the high cost of available housing, the increasing number of mentally ill individuals living on their own, persons with substance abuse problems, women and children fleeing family violence, and the lack of family support networks in today's fast-paced society."⁴ The Element goes on to state that it is estimated that 5 to 10 percent of low-income households in a community may experience homelessness at some point during a 12-month period.

Specifically concerning Auburn, the Element states that: "...utilizing the 2012 countywide point-in-time count, the City of Auburn's homeless population is estimated to be 20 percent (**55 homeless persons**) of the total estimated homeless Placer County population of **275 persons**."⁵ "Based on available information and contacts with service providers, the level of, and need for, homeless services in the city are increasing on a region-wide basis. The homeless continue to need affordable housing and supportive services."⁶

Relying upon the Housing Element needs analysis, the provision of a shelter program providing for a maximum of twenty residents does not meet even one-half of the need. However, the quantitative analysis contained in the 2013 Element is inadequate, as the data is outdated and incomplete. The City should rely on both the long term and updated information. The census data from the newest count taken on January 23, 2013 established that there were a total of **594** homeless persons counted on that day, and that **352** of them were classified as unsheltered.⁷ To get a fuller picture of the need over a longer period, the Auburn Journal reports that the 2013 count is actually down compared to two years ago, when the figure was **631 homeless**, and

³ As stated in the Update of the HCD SB2 Memo at p. 15: "Please be aware, if the adopted housing element from the previous cycle (4th cycle) included a program to address the requirements of SB2 for emergency shelters, and the required timeframe has lapsed, the Department will not be able to find future housing elements in compliance until the required rezoning is complete and the element is amended to reflect that rezoning."

⁴ Proposed 2013 Housing Element, Appendix A, p. A-16. Note that all Housing Element references are to the proposed 2013 Housing Element, unless otherwise noted.

⁵ Id.

⁶ Id. at A-3.

⁷ A copy of the Point In Time Homeless Survey Summary for Placer County is attached to this letter.

compared to 2009 when the total count was 616.⁸ Thus even the lowest figures from these census counts show the number homeless at that point-in-time was more than twice the number relied upon by the City in the proposed 2013 Housing Element. Thus the City's quantitative analysis used in its proposed Housing Element and the proposed zoning ordinance is faulty.

2. Housing Element Goals and program.

Based upon the Housing Needs Assessment, the Element establishes a number of conclusions, goals and programs regarding support for the provision of housing and services for Auburn's homeless. These include the Review section of the 2008 Housing Element, which assumes the completion of Implementation Measure N, which states that the City will implement the mandates of SB 2. The review section also assumes the completion of Implementation Measure U, which states that the City will update its zoning ordinance to identify zoning district(s) that allow for Single Resident Occupancy Units. It is this writer's understanding that the City declined to implement Measure U.

The proposed 2013 Housing Element sets forth Goal 5, which provides in part that: "The City will promote equal opportunity to secure safe, sanitary, and affordable housing for all members of the community..." To achieve this goal the Element sets forth Policy 5.4: "The City shall work with Placer County and surrounding jurisdictions to address the needs of the homeless on a regional basis." Policy 5.5 states: "The City shall cooperate with community-based organizations that provide services or information regarding the availability of services to the homeless." Policy 5.7 states: "Permit transitional and supportive housing and emergency shelters as mandated by Senate Bill 2." (Emphasis added.) Implementation Program H states that the City will support the efforts of the Placer Collaborative Network and Placer Consortium on Homelessness to address the needs of the homeless in the county, including the possible contribution of funding toward the cost of maintaining emergency shelter programs. At this point, we are unaware of any implementation measures completed by the City, and the failure to adopt an adequate zoning ordinance will be inconsistent with some or all of these policies.

II. The proposed ordinance is inadequate and would constrain the development of an emergency shelter.

First, concerning the occupancy limits, the limits should be in the range of 60 to 75 persons. If this number cannot be approved by the Commission, we urge the Commission to suggest a limit significantly larger than the figure of 20 persons contained in the current proposal. It is our understanding that it would be economically and programmatically impossible to operate an

⁸ Auburn Journal, May 29, 2013.

emergency shelter with such a limited population, and therefore the shelter will never be built. Further, the figure of 20 is far too low to meet the existing demand for shelter, and therefore it would not eliminate the need for unauthorized camps, as they currently exist.

Second, concerning staffing, a requirement of two (2) staff persons on-site is excessive, especially if the population is limited to 20 or fewer. The financial realities of funding from grants, which is linked to the number of actual shelter nights provided, and private contributions would render such a limited shelter financially infeasible.

Third, concerning the limitation on smoking tobacco, such a restriction would be discriminatory against the homeless population, and hence would discourage participation, as well as being unenforceable and unnecessary. There are many ways that a smoking area might be provided which would not impact the non-smokers.

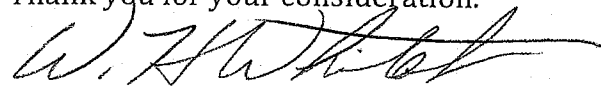
III. The proposed ordinance should not limit the operation of temporary emergency shelters to fewer than 60-75 occupants.

It is my understanding that the City Council is considering imposing a limitation of 20 occupants on temporary emergency shelters, and that the Auburn Planning Commission recommended an occupancy limit of 60, with 75 in extreme weather conditions. We urge the City Council to adopt the Planning Commission's recommendation.

Testimony and letters from Auburn area churches clearly establish that, as part of The Gathering Inn nomadic shelter program, many local churches have been periodically providing temporary emergency shelter in the City of Auburn over the past ten years. Nightly occupancy averages approximately 50, and the number increases in extreme weather conditions. I am aware of no evidence of specific complaints presented to the City of Auburn about this nomadic program.

To impose an occupancy limit of less than 60 on temporary shelters would not only fail to meet the demonstrated need, but it would effectively destroy the current program of homeless services. At a minimum, such an action would be a clear violation of SB2 and the City's Housing Element, and state housing element law under the analysis set forth by the court in *Hoffmaster v. City of San Diego*, (55 Cal.App.4th 1098, 64 Cal. Rptr.2d 684).

Thank you for your consideration.



W. H. Whitaker
Managing Attorney

Point In Time Homeless Survey Summary for Placer County

Date of PIT Count: 1/23/2013

Population: Sheltered and Unsheltered Count

Persons in Households with at least one Adult and one Child

	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Total Number of Households	5	36	6	47
Total Number of persons	15	96	17	128
Number of Persons (under age 18)	10	59	9	78
Number of Persons (18 - 24)	0	9	0	9
Number of Persons (over age 24)	5	28	8	41

Persons in Households without Children

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	72	56	0	300	428
Total Number of Persons	75	56	0	335	466
Number of Persons (age 18 - 24)	1	4	0	34	39
Number of Persons (over age 24)	74	52	0	301	427

Total Households and Persons

	Sheltered			Unsheltered	Total
	Emergency	Transitional	Safe Haven		
Total Number of Households	77	92		306	475
Total Number of Persons	90	152		352	594
Number of Children (under age 18)	10	59		9	78
Number of Persons (18 to 24)	1	13		34	48
Number of Persons (over age 24)	79	80		309	468

Chronically Homeless Subpopulations

	Sheltered		Unsheltered	Total
	Emergency Shelters	Safe Havens		
Chronically Homeless Individuals	23	0	115	138
Chronically Homeless Families (Total Number of Families)	0		7	7
Chronically Homeless Families (Total Persons in Household)	0		14	14

Other Homeless Subpopulations

	Sheltered	Unsheltered	Total
Persons in emergency shelters, transitional housing and safe havens			
Total Number of Veterans (including female Veterans)	17	45	62
Number of Female Veterans (subset of all Veterans)	4	4	8
Severely Mentally Ill	78	125	203
Chronic Substance Abuse	81	122	203
Persons with HIV/AIDS	0	4	4
Victims of Domestic Violence	62	80	142

ORDINANCE NO. 13 - _____

**AN ORDINANCE FOR EMERGENCY SHELTERS, THE EMERGENCY SHELTER
OVERLAY ZONE, SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING**

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

- A. Whereas Chapter 633, Statutes of 2007 (SB 2) clarifies housing element law to ensure that zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act; and
- B. Whereas the City of Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons; and
- C. Whereas the City of Auburn General Plan Housing Element includes Program N to accommodate emergency shelters and transitional and supportive housing; and,
- D. Whereas the City of Auburn desires to ensure sufficient capacity to house the City's homeless population in conformance with SB 2; and
- E. Whereas the City of Auburn desires to recognize transitional and supportive housing in conformance with SB2.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES
HEREBY ORDAIN:**

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of **FAMILY** and add definitions for **EMERGENCY SHELTER**, **INSTITUTIONAL USE**, **SUPPORTIVE HOUSING** and **TRANSITIONAL HOUSING**, to read as follows:

EMERGENCY SHELTER. Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

INSTITUTIONAL USE. Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

SUPPORTIVE HOUSING. Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

TRANSITIONAL HOUSING. Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

- (A)(4) Supportive Housing
- (A)(5) Transitional Housing

Section Three: Amend Title XV, Section 159.015 (Established) of the City of Auburn Municipal Code to read as follows:

- (Z) Combining District (-P);
- (AA) Central Business –A District (C-2A); and
- (BB) Emergency Shelter overlay (ES)

Section Four: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Sections 159.380 and 159.381 (Emergency Shelters) as follows:

EMERGENCY SHELTERS

159.380 PURPOSE.

The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the operation of, development of, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

159.381 PERMIT REQUIREMENTS

(A) Permanent emergency shelters shall be a permitted use in the Emergency Shelter (ES) overlay zone district and subject to the development standards identified in Section 159.047.

(B) Temporary emergency shelters are permitted as part of an institutional use subject to the following:

1. Temporary emergency shelters shall conform to the development standards identified in Section 159.047, except as modified below.
2. The maximum number of occupants shall not exceed 60 persons during normal operations, and 75 occupants on severe weather dates.
3. Temporary emergency shelters are not subject to any distance separation requirements.
4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
5. The shelter shall not operate more than 12 hours per day.
6. The provision of laundry services and at least two showers shall be included as part of the Operations Plan.

Section Five: Amend Title XV, Chapter 159 of the City of Auburn Municipal Code by adding Section 159.047 (Emergency Shelter Overlay (ES)) as follows:

159.047 EMERGENCY SHELTER (ES) OVERLAY.

(A) **Development Standards.** Emergency Shelters shall comply with the following:

1. **Occupancy.** The maximum number of occupants to be served shall not exceed twenty (20).
2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every ten (10) residents.
3. **Management.** The following management standards shall apply:
 - a. On-site management shall be provided by at least two (2) emergency shelter staff member at all times while clients are present at the shelter.
 - b. Security personnel shall be provided on-site during hours of operation.
 - c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.
 - d. Management shall maintain an active list of names of all occupants at the shelter. The list shall be provided to the Police Department upon request. Management shall notify the Police Department if they remove an occupant from the shelter.
4. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:
 - a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
 - b. Common area for the use of residents.
 - c. Laundry facilities.
 - d. Shower facilities – provide a minimum of two (2) showers.
 - e. Secure areas shall be provided for personal property.
 - f. Adequate interior and exterior lighting shall be provided.
 - g. Telephones shall be provided for use by clients.
5. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:

- a. A floor plan demonstrating compliance with the physical standards of this chapter.
 - b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
 - c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
 - d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
 - e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
 - f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.
 - g. Adequate and effective screening. • Identify the admittance eligibility of clients.
 - h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility
 - i. Smoking/drinking/drugs. The Operations Plan shall include specific measures to enforce local, state, and federal laws regarding the possession, sale, and use of illicit drug, and regulating the possession, sale, and use of alcohol and tobacco.
 - j. The names and contact information of all responsible parties.
6. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.
 7. The facility shall comply with all applicable state and local housing, building, and fire code requirements.
 8. • The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: _____, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the _____ day of _____ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk